



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Judiciary Committee Public Hearing
March 30, 2011
Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator**

House Bill 6629, An Act Concerning Domestic Violence

Senate Bill 1220, AAC Family Violence

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee, thank you for the opportunity to testify on two bills concerning the subject of domestic violence -- **House Bill 6629, *An Act Concerning Domestic Violence***, and **Senate Bill 1220, *AAC Family Violence***. The Judicial Branch has concerns with some of the provisions of these bills. I will address House Bill 6629 first.

House Bill 6629, *An Act Concerning Domestic Violence*

As you know, this bill is the product of the Domestic Violence Task Force. The Judicial Branch worked with the Task Force last year to make some important changes to Connecticut's domestic violence laws – for example, allowing increased sharing of information regarding persons charged with domestic violence crime. Last year's legislation also imposed additional responsibilities on the Judicial Branch that were not funded in the state budget that was adopted – a pilot program for GPS monitoring of domestic violence offenders and the identification of three additional sites for domestic violence dockets. We had discussed our concern about the resource implications of both of these items with the members of the task force and worked to address them prior to passage of the bill. Fortunately, with the assistance of OPM we were able to identify federal funding for the GPS/Alert Notification pilot program. Unfortunately, however, no additional family services staffing was funded and this program has added significant responsibilities to the workload of our family services staff. Use of GPS equipment

without the many people who must assess the thousands of alerts, make follow-up calls and screenings would make the pilots meaningless, but only the equipment has been funded for a limited period of time.

I have attached to my testimony an interim report on the status of the GPS/Alert Notification pilot program. With the federal funding that was made available and with a high degree of system-wide collaboration, we have implemented this pilot program in Bridgeport, Hartford and Danielson. The pilot has been able to meet the objectives of enhanced defendant monitoring and increased safety for victims. However, the relatively short (six-month) timeframe associated with this initiative led to a small sample size. As a result, there is not sufficient data to draw definitive conclusions regarding long-term program effectiveness. Currently, a total of 56 offenders are being monitored. To date, there have not been any arrests for acts of violence.

We have recently learned that there will be an extension of the federal funding until December 31st of 2011. This will afford the opportunity to measure the effectiveness of the GPS technology over a longer timeframe and with a larger statistical sample. The Judicial Branch will prepare a final report in the late fall of 2011. Nonetheless, I would be remiss if I did not point out that when the federal funding for these pilots end at the close of the calendar year, no funding will exist to continue them.

Last year's legislation also included language that required the Chief Court Administrator to identify the Geographical Area sites that did not have a domestic violence docket, and allowed the Chief Court Administrator to establish additional domestic violence dockets, within available resources, in three of those sites. I can report to you today that we are in the process of implementing a domestic violence docket in Danielson by June 30th. Due to a lack of resources, including those who must staff and operate them, we are unable to implement the other two dockets within the time specified.

This year, the Judicial Branch has continued to work with the Domestic Violence Task Force. We have given presentations at Task Force meetings and, at the request of the Task Force, submitted legislative proposals for its consideration. Sections 4, 5, 6 and 7 of this bill include our proposals, which would accomplish the following:

- Standing Criminal Protective Order: Add three offenses (injury or risk of injury to, or impairing morals of children; aggravated sexual assault of a minor; and sexual assault 4th degree) to those for which the courts can issue a standing criminal protective order in a case where a pre-trial protective order was issued;

- Protective Order Registry: Amend § 51-5(c) to provide any person protected by an order in the protective order registry with the same confidentiality currently provided to victims of sexual assault, provided they request such confidentiality;
- Technical Correction -- Full faith and credit language: Make sec. 46b-38c(e) consistent with language passed in 2010;
- Extend the provision of restitution services to the families of victims of domestic violence; and
- Expand language passed in 2010 that allows information collected by Family Services in family violence cases to be shared.

Regarding the last bullet, last year's legislation expanded the ability of the Judicial Branch's Family Services unit to share information collected during the intake process regarding persons arrested for domestic violence crimes with other family services personnel, bail commissioners supervising defendants on pretrial release in domestic violence cases, and probation officers supervising defendants who have been convicted of a family violence crime and placed on probation. In implementing this change, we identified an area that the legislation did not address, but that we think makes sense to include – probation officers who are conducting presentence investigations regarding convicted defendants. The proposal referenced in the last bullet, above, would allow that. However, in order to ensure that the information is used only for that limited purpose, we would respectfully request an amendment to the language of the bill, which I have attached for your consideration.

Turning to the sections of this bill that are of concern to the Judicial Branch, I will begin with those of greatest concern. These are section 9, which mandates the establishment of additional domestic violence dockets, and section 24, which requires the Chief Court Administrator to assess and report on domestic violence training programs for our judges and staff.

Section 9 of the bill would require the Judicial Branch to establish, within available resources, a separate family violence docket in 6 additional Geographical Area court locations. We are strongly opposed to this requirement. As I mentioned before, last year's appropriations have not allowed us to set up all three domestic violence dockets you had previously asked of us. Asking us to establish 6 more when there are no resources, not to mention no additional assistant state's attorneys or public defenders to operate in them, raises expectations that we simply cannot meet. We take very seriously legislation that asks us to undertake certain actions, whether funded or not, but find ourselves contemplating the next fiscal year with fewer resources than

last and knowing that we cannot follow through on your wishes. That said, you may know, the Judicial Branch does not need additional statutory authority to establish specialized dockets – the statutory powers and duties of the Chief Justice and the Chief Court Administrator provide sufficient authority. Indeed, C.G.S. section 51-5a specifies that the Chief Court Administrator is “responsible for the efficient operation of the department, the prompt disposition of cases and the prompt and proper administration of judicial business.” In light of this broad charge, the Judicial Branch has consistently opposed legislation that would require the creation of special courts or dockets. Such courts may benefit the cases they handle, but they also require additional resources and dilute or stretch those resources we do have, since they take away from the resources available to handle all our other cases. The Chief Court Administrator needs to maintain maximum flexibility in order to ensure that all cases are handled as expeditiously as possible. Also, during this time of significant budgetary austerity and uncertainty, it is more important than ever to put our scarce resources into programs that have been proven to produce positive results. Our domestic violence dockets have not been scientifically evaluated to determine whether they produce the results that everyone hopes for. There have been some limited studies and there is anecdotal evidence that indicates positive results, but there has never been a comprehensive analysis. Last year’s legislation did recognize the need, as it required the Chief Court Administrator to examine the effectiveness of the dockets prior to implementing new dockets. However, it did not provide funding or sufficient time for such an analysis.

As you know, the Legislature, and particularly the Appropriations Committee, has adopted Results Based Accountability (RBA) as a guiding principle. Following that lead, the Judicial Branch has engaged in this model of analysis to guide our expenditures. We do not believe that the use of domestic violence dockets should be expanded unless and until a comprehensive RBA analysis has been done. An RBA analysis would allow all stakeholders to articulate the goals of these dockets, to measure whether those goals are being met, and to identify the key elements that allow those goals to be met. I would suggest that this analysis is long overdue. It would enable us to know in detail and to acknowledge what is required for successful specialty dockets, such as domestic violence dockets, in terms of programming, resources and expenses in the Judicial Branch and the required partner agencies.

The Judicial Branch has long recognized the unique nature of domestic violence cases, and I believe our work in this area attests to our commitment in this area. We simply do not believe that the best way to accomplish this is by mandating additional domestic violence

dockets, which are very resource-intensive and would in fact require significant additional resources, during a fiscal crisis. We urge the Committee to delete section 9 from this bill.

We are also opposed to section 24 of the bill, which would require my office to conduct an assessment of our training programs for judges and Judicial Branch staff related to family violence, and to assess the effectiveness of the pretrial family violence education program. It further requires that these assessments include, at a minimum, a comparison to the training programs of other northeastern states. Such assessment is in itself not without cost.

In addition, we have concerns about section 4(h), which restricts eligibility for the pretrial family violence education program (FVEP). The family violence education program is not over-used – quite the contrary. Family violence defendants are not admitted to the FVEP unless they are screened by Family Services, using a validated risk assessment tool, and recommended for the program. In addition, we do not believe that a prior family violence arrest that does not result in a conviction should disqualify a person from participating in the program, and we anticipate that the requirement that a guilty plea be entered and then vacated will have a significant impact on our courts. Finally, we are concerned that doubling the fee to \$400.00 will result in more fee waivers – our experience shows that people are struggling to pay the current \$200.00 fee.

Senate Bill 1220, AAC Family Violence

The Judicial Branch has concerns about section 3 and 4 of this proposal. Section 3 would require that the Chief Court Administrator conduct quarterly training for all judges presiding over family violence cases. The Judicial Branch has consistently opposed legislative mandates for training of judges and staff. Determination about what topics should be covered in training, how often training should occur, and who should be trained, should remain within the discretion of the Judicial Branch. We recognize that domestic violence is an important and serious issue and have shown our recognition of this fact by conducting quality training on this topic. We provide significant training on family violence to all newly-appointed judges, and three times a year there is additional training, at our spring seminars, our yearly summer Judges Institute and our fall divisional seminars. This is not a neglected area in which training is not conducted regularly. In addition, this has resource implications for the Branch.

In addition, section 4, which would require that revenue received from criminal penalties assessed for family violence crimes and violation of orders of protection be transferred to the pretrial family violence education program or any other program provided by the Judicial Branch

for the benefit of victims of family violence, is unclear as presently drafted. It would be preferable to identify the statutes that are targeted. In addition, it is unclear what the funds collected are to be used for. Is it to generally supplement the funding for the Pretrial Family Violence Education Program? What programs provided by the Judicial Department for the benefit of victims of family violence are intended to be benefited? Finally, the proposal would need to establish a dedicated fund for this revenue, so that it does not simply go into the general fund, as all non-designated court fees and fines do.

In conclusion, I would like to thank you for your consideration of the Judicial Branch's position on these bills, and I would be happy to answer any questions you may have.



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**Proposed Amendment to
House Bill 6629, An Act Concerning Domestic Violence**

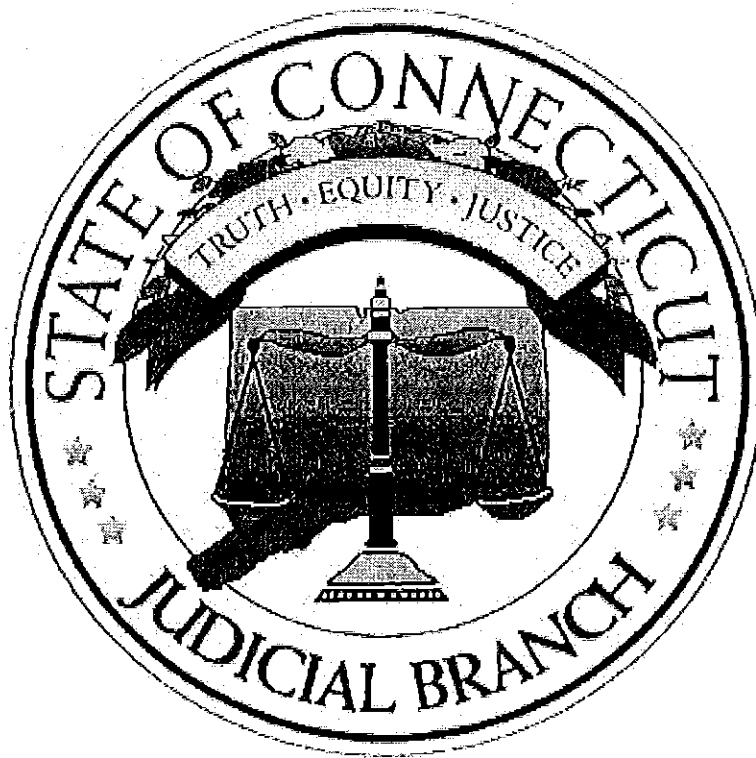
Strike lines 270 – 282 and insert the following in lieu thereof:

(F) May disclose, after disposition of a family violence case, [(i)] to a probation officer or a juvenile probation officer, for purposes of determining service needs and supervision levels, information regarding a defendant who has been convicted and sentenced to a period of probation in the family violence case[, and (ii) to organizations under contract with the Judicial Branch to provide family violence programs and services, for purposes of determining program and service needs, information regarding defendants who are their clients].

(G) May disclose, after a conviction in a family violence case, to a probation officer, for purposes of the preparation of a pre-sentence investigation report, any information regarding the defendant that has been provided to a family relations counselor, family relations counselor trainee or family services supervisor in this case or any other case that resulted in a conviction of the defendant; and

(H) May disclose, to organizations under contract with the Judicial Branch to provide family violence programs and services, for purposes of determining program and service needs, information regarding defendants who are their clients.

JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION



Interim Report to the Speaker of the House of
Representatives' Task Force on Domestic Violence
Alert Notification/GPS Pilot Program

April 1, 2011

IMPLEMENTATION:

Beginning in March 2010, the Judicial Branch-Court Support Services Division, along with other entities within the adult criminal justice system, designed, planned, and implemented an Alert Notification/GPS program. This initiative was the result of Public Act 10-144- AN ACT CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE, a law that went into effect October 1, 2010. The goal of the Alert Notification/GPS pilot was to enhance the monitoring of high-risk family violence cases in Connecticut. A significant number of endeavors were undertaken to prepare for the pilot program. The Chief and Deputy Chief Court Administrators provided initial and on-going guidance regarding this project. In addition, the Administrative and Presiding Judges in Bridgeport, Danielson, and Hartford were consulted about the Alert Notification/GPS process and assisted in its development. The judges were the foundation for the local implementation teams that included State's Attorneys, Victim Advocates, law enforcement, Judicial Marshals, Public Defenders, Clerk's office staff, and CSSD-Family Services and Bail Services. The local implementation teams were vital as this was the forum in which court procedure was finalized, required collaborations were discussed, and issues were raised with potential solutions.

Judicial Branch-CSSD Administration worked to establish protocol that covered all aspects of this program. The first step was to draw on the experience of other court-connected agencies that administer similar programs. The Circuit Court of Cook County (Chicago area), Illinois was helpful in assisting with the pilot. The agency provided a blueprint for the Alert Notification/GPS process, and the Judicial Branch adopted many aspects of their program. Another component was working with the current contracted service provider, G4S, to determine how the technology could be applied in Connecticut. Each decision regarding the type of alerts and the corresponding notification was made with victim safety as the primary consideration. This included the rate of offender tracking, the size of the zones around the victim, and the alerts received by local law enforcement.

Another major endeavor was creating formal Court Protocol and the CSSD-Family Services Alert Notification/GPS policy. These documents outlined the roles and responsibilities regarding the identification of defendants meeting the criteria for Alert Notification/GPS, communication necessary between the system components, and other duties required to ensure compliance with the program. The CSSD-Family Services policy covers the arraignment process, installation of the device for both defendant and victim, completion of required forms for installation, collaboration with the Family Violence Victim Advocate, review of alert violations, on-going meetings with the defendant and victim, reporting of offender progress, and requesting court dates for defendants who are found to be in non-compliance.

Prior to the October 1, 2010 implementation, a comprehensive training was conducted by Judicial Branch-CSSD Administration. Several trainings were provided to the members of the local implementation teams. In addition, training was offered to local law enforcement via POST (Police Officer Standards and Training Council) and State Police 911 Telecommunications. Informational sessions were also provided when requested to several police departments.

PILOT EXPERIENCE:

The Alert Notification/GPS program was successfully implemented in the three designated locations. All established protocols were followed, and defendants who met the criteria for the program were processed without delay. The court process was by far the most coordinated aspect based on the level of communication between agencies. The contracted service provider, G4S, was diligent in scheduling the installation of defendant devices within requested timeframes. During the pilot, a total of 84 defendants were court-ordered to the Alert Notification/GPS program. Fifty-six defendants have been actively placed in Alert Notification /GPS (37 Hartford, 11 Danielson, and 8 Bridgeport). Stationary zones were established for all 56 victims, with 13 electing to enhance their safety plan by carrying a device allowing for mobile zones. An additional 26 defendants have been referred to the program, however they are incarcerated with Alert Notification/GPS device installation as a condition of bond.

High-risk family violence offenders were closely monitored, and violations were immediately addressed by law enforcement and the Court. The response protocol, designed in collaboration with G4S, was effective. The G4S Monitoring Center tracked the defendants on a 24/7 basis, alerts were reported to law enforcement for immediate response, and CSSD-Family Services was notified of each infraction. Defendant non-compliance was reported by Family Services to the State's Attorney and the Court for a determination of sanctions. This is an offender population that, prior to this initiative, would not have received formal case management or increased accountability. During the pilot, ten defendants had a bond increase or were ordered re-arrested after program non-compliance. The majority of violations were for non-family violence arrests, zone alerts, and other infractions. No additional violence to the victims was reported as a result of a defendant violating established zones.

The impact of this pilot program on the staffing resources of CSSD-Family Services was significant. The design of the Alert Notification/GPS process included increased responsibilities for the Family Relations Counselors (FRC) assigned to these court-ordered cases both at arraignment and for case management/monitoring. The original strategy was for one FRC in each of the three pilot sites to assume the duties associated with this initiative on a part-time basis. It quickly became evident that Alert Notification/GPS was a labor and time intensive service that required a minimum of one fully dedicated staff person. Family Services staff designated to the pilot were no longer available to carry non-Alert Notification/GPS caseloads. The offices struggled to provide adequate coverage for other family violence matters and Family Civil Court cases. In addition, a CSSD Program Manager was re-directed from other responsibilities and provided on-going oversight, interfaced with G4S to address problems, conducted trainings, and facilitated the local implementation team meetings.

The pilot experience also revealed several unforeseen developments. The intent of the Legislature was for the defendants to pay all fees associated with program participation. However, many were indigent, unemployed, and represented by a Public Defender. This resulted in the need to use federal grant funds for the payment of these contracted services. A second issue was the number of mobile exclusion zone alerts that were non-emergency situations but still required local law enforcement response. This usually occurred because the victim did not heed the buffer zone alerts and continued to move toward the defendant. During the pilot, significant CSSD-Family Services and Family Violence Victim Advocate staff resources were utilized to limit these events through increased communication with victims. Further, it was anticipated that victims would be more willing to fully participate with mobile zones providing additional protection. Many of the victims in the pilot elected to have stationary zones only around selected addresses with violations triggering a local law enforcement response.

FOCUS GROUPS:

Focus groups were held with implementation team members to identify the strengths of the program and highlight the challenges uncovered during the pilot. The majority of the comments were encouraging, especially as it related to the court process and the overall coordination. The Judges input provided validation regarding the effective implementation and procedures established for court. Common themes included the deterrent effect on offender behavior and increased offender accountability. Overall, the State's Attorneys believed that Alert Notification/GPS was a beneficial tool. Specifically, the information received regarding defendant compliance assisted with the case process and ultimate disposition. The Family Violence Victim Advocates (FVVA) found that the Alert Notification/GPS program was valuable for victims. The advocates indicated that without the pilot there would have been additional violations to protective orders and that the monitoring of defendants led to behavior change in some dangerous situations. In terms of the overall limited victim participation, the FVVA stated that there is a subset of victims who are unwilling to be part of the criminal justice process despite available interventions. CSSD-Family Services staff acknowledged the benefit of holding the high-risk defendant accountable to the program tenants, including alerting the Court regarding any non-compliance. Family Services indicated that the vast majority of violations occurred shortly after the defendant was ordered into the program. Additional meetings were required to re-educate the defendant regarding Alert Notification/GPS parameters. This served to lessen the alerts for both the victim and law enforcement while reinforcing to the defendant that all

breaches would immediately be addressed by the system. Law enforcement felt that the Alert Notification/GPS pilot program led to increased collaboration with the court system regarding high-risk defendants. One concern was the volume of responses for alerts/violations that did not rise to the level of an emergency. The other issue raised was the need for on-going Alert Notification/GPS training within all levels of law enforcement. Public Defenders expressed concern with Alert Notification/GPS relating to the added exposure for subsequent arrests and higher bonds. The Public Defenders viewed the program as placing a significant burden on the defendants, including charging the device and restricting movement within the community. The Clerk's Office and Judicial Marshals did not have any significant concerns regarding the program. They indicated that the overall process was well organized, with excellent communication as the cornerstone of court implementation.

SUMMARY/CONCLUSIONS:

With significant effort from the adult criminal justice system, the Alert Notification/GPS pilot program met the objective regarding enhanced monitoring of high-risk family violence offenders and increased victim safety. The high-risk defendants who were court-ordered to this program would not have received the level or intensity of surveillance without this initiative. This population is well beyond the scope of diversionary programming and is typically fast-tracked to prosecution without any pre-trial supervision. One of the most significant aspects was that violations/non-compliance were immediately addressed by local law enforcement and the Court. Defendants were aware that their movements in the community were constantly tracked and there would be accountability for program infractions.

Overall, there was an increase in victim safety as a result of the process. This included the 24/7 monitoring of the defendant, increased case management services offered by CSSD-Family Services, and enhanced response regarding violations of court-ordered conditions. As a result, the pilot reinforced the orders of protection and led to apparent behavior change for defendants. Although this was a positive outcome for many victims, there appears to be some who do not wish to interact with the criminal justice system. As part of their personal safety plan, some victims seek to remain in a relationship with the defendant and request favorable case dispositions. This should not be a barrier to on-going program availability, as many victims benefited from the upgrade in overall supervision. In terms of the Alert Notification/GPS, the victim's choice should continue to be the primary consideration when determining the level of enhanced protection.

One potential modification for consideration is to broaden the current criteria to include other serious charges. During the pilot period, CSSD-Family Services expanded the criteria to include, on a case by case basis, Assault 1 and Assault 2 charges and arrests involving strangulation. There are other cases with a high level of danger (i.e., stalking or use of a weapon) that involve offenses without protective/restraining order violations, which may be appropriate for this program.

The foundation of this successful pilot was the time and resources committed to the pre-implementation phase. This included the formation of the local implementation teams, holding system-wide organizational meetings, establishing the collaboration and communication required as part of the program, determining location specific court protocol, providing comprehensive training and on-going support, and addressing the potential complexities in a given area. The ability to set the stage, define responsibilities, and prepare each court location for Alert Notification/GPS was vital to the overall process. Future expansion should follow this model and allow for significant lead time prior to program commencement. Statewide expansion of the pilot would require a gradual roll-out strategy based on the significant planning efforts needed prior to initiation.

Several themes emerged from this experience that would potentially impact statewide program expansion. A clear pilot outcome was that the majority of defendants could not pay for the services associated with Alert Notification/GPS. Most individuals were found to be indigent, without the capacity to offer any funds toward the obligation. State of Connecticut funding for contracted services will be necessary with pilot site or statewide expansion. There are also significant staffing implications for CSSD-Family Services. Alert Notification/GPS is a

labor intensive process with many required duties as part of the process. The program removed Family Relations Counselors and Supervisors from established active caseloads and responsibilities. Implementing this program statewide would be difficult without additional CSSD-Family Services staff to address the volume and intensity of work inherent in Alert Notification/GPS. In addition, this does not take into account the role of CSSD Administration in providing program oversight, troubleshooting, and training. The impact on staff has also been reported by the Family Violence Victim Advocate and some police departments.

In conclusion, the Alert Notification/GPS program is a promising practice that enhanced the overall court, law enforcement, and community response to high-risk family violence cases. If there is future expansion, on-going assessments will be undertaken to examine new GPS technological advancements and other potential program modifications. With the necessary funding, resources, and phased implementation, the Alert Notification/GPS pilot can be effectively replicated on a statewide basis.

